

FCC MAIL SECTION

Federal Communications Commission

DA 98-2058

Oct 13 3 00 PM '98

DISC

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 97-243
Table of Allotments,	)	RM-9194
FM Broadcast Stations.	)	
(Belzoni and Tchula, Mississippi	)	

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: October 7, 1998

Released: October 16, 1998

By the Chief, Allocations Branch:

1. The Commission considers herein the Notice of Proposed Rule Making ("Notice"), 12 FCC Rcd 20387 (1997), issued in response to a petition for rule making filed by Team Broadcasting Company, Inc. ("petitioner"), permittee of Station WGNG(FM), Channel 292A, Belzoni, Mississippi, proposing the substitution of Channel 292C3 for Channel 292A at Belzoni, as well as the reallocation of Channel 292C3 to Tchula, Mississippi, as that community's first local aural transmission service, and the concomitant modification of the authorization for Station WGNG(FM), as requested. Petitioner filed supporting and supplemental comments. No other comments were received.

2. Petitioner's request was filed pursuant to the provisions of Section 1.420(i) of the Commission's Rules which permits the modification of a station authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. See Modification of FM and TV Authorizations to Specify a New Community of License ("Change of Community R&O"), 4 FCC Rcd 4870 (1989), recon. granted in part ("Change of Community MO&O"), 5 FCC Rcd 7094 (1990). In support of the proposal petitioner stated that the requested reallocation of Channel 292C3 to Tchula (population 2,186)<sup>1</sup> is mutually exclusive with its existing allotment at Belzoni.<sup>2</sup>

3. In further support of the proposal, as indicated in its petition for rule making, petitioner advises that Station WGNG(FM) cannot attain a higher class authorization at Belzoni due to spacing constraints that would hinder its ability to comply with the provisions of Section 73.315 of the Commission's Rules to provide 70 dBu coverage over the entire community of Belzoni. Therefore, petitioner urges that its requested reallocation to Tchula is the only avenue

<sup>1</sup>Population figures were taken from the 1990 U.S. Census reports.

<sup>2</sup>The distance between Belzoni and Tchula is 19.5 kilometers (12 miles) whereas a minimum distance separation of 142 kilometers (88 miles) is required between Class A and Class C3 co-channels.

available to it to improve the facilities for proposed Station WGNG(FM).

4. As the petitioner intends to relocate its transmitter site for Station WGNG(FM), the Notice requested additional information regarding any potential gain and loss areas as well as the number of reception services that are presently available within the gain and loss areas.

5. In response to the request for additional information, petitioner comments that the loss area created by its proposed move to Tchula is relatively small, and in fact, no communities are depicted on the map within the loss area. Moreover, petitioner advises that three stations serve 100% of the loss area<sup>3</sup> while nearly all of the loss area is served by no less than four stations, with most of the area served by five or more aural services.<sup>4</sup>

6. In consideration of the above, we believe the public interest would be served by granting the petitioner's proposal as it will result in a preferential arrangement of allotments pursuant to the Commission's change of community procedures. See Change of Community, supra. Applying those procedures, we compare the existing arrangement of allotments with the proposal using the FM allotment priorities set forth in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992).<sup>5</sup>

7. In making our comparison, the first two allotment priorities are not applicable in this instance. Tchula, which is not within nor adjacent to an urbanized area, will receive its first local aural transmission service (priority 3), and is therefore favored over the retention of the allotment at Belzoni (priority 4). Additionally, the reallocation will afford the petitioner an opportunity to increase its service area. Also, Belzoni will continue to receive local transmission service provided by Station WBYP(FM), Channel 296A, as well as Station WELZ-AM. Therefore, in accordance with the provisions of Section 1.420(i) of the Commission's Rules, we will modify the authorization of Station WGNG(FM) to specify operation on Channel 292C3 at Tchula, Mississippi, in lieu of Belzoni, Mississippi.

8. As indicated in the Notice, Channel 292C3 can be allotted to Tchula consistent with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, provided the transmitter therefor is located at least 3.0 kilometers (1.8 miles) southeast of the community, utilizing coordinates 33-09-43 NL and 90-12-34 WL.

---

<sup>3</sup>Those stations are WDMS(FM) and WBAQ(FM), both Greenville, Mississippi, as well as WMYX(FM), Greenwood, Mississippi.

<sup>4</sup>Petitioner reports that other broadcast facilities that serve portions of the loss area include Stations WELZ(AM), Belzoni, WDDT(AM), Greenville, WGVM(AM), Greenville, WDTL(FM), Cleveland, and Indianola, Mississippi Stations WNLA(AM), WNLA(FM) and WTCD(FM).

<sup>5</sup>The FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. [Co-equal weight is afforded priorities (2) and (3).]

9. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 30, 1998, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Belzoni, Mississippi	296A
Tchula, Mississippi	292C3

10. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the authorization of Team Broadcasting Company, Inc. for Station WGNG(FM) (File No. BPH-950821MA), IS MODIFIED to specify operation on Channel 292C3 at Tchula, Mississippi, in lieu of Channel 292A at Belzoni, Mississippi, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and,
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

11. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Team Broadcasting Company, Inc., permittee of Station WGNG(FM), is required to submit a rule making fee in addition to the fee required for the application to effect the change in community of license and upgrade at Tchula, Mississippi.

12. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

13. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**FEDERAL COMMUNICATIONS COMMISSION**

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau